

Docket No.: 50107-472

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter claimed and for which a patent is sought on the invention entitled CONGESTION AND THRU-PUT VISIBILITY AND ISOLATION, the specification of which

is attached hereto.

was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_ and was amended on (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known to me to be material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**Prior Foreign Applications(s):**

Number	Country	Day/Month/Year filed	Priority Claimed
1	2	3	<input type="checkbox"/>
4	5	6	<input type="checkbox"/>

I hereby claim the benefit under 35 USC §119(e) of any United States provisional application(s) listed below.

**Prior Provisional Application(s):**

Application Number	Filing Date
1	2

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

**Prior U.S. Application(s):**

Serial No.  
60/635,695

Filing Date  
August 10, 2000

Status: Patented, Pending, Abandoned  
Pending

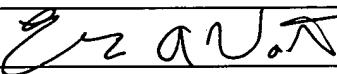
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following attorney(s) and/or agent(s): Stephen A. Becker, Reg. No. 26,527; John G. Bisbikis, Reg. No. 37,095; Christopher D. Bright, Reg. No. P-46,578; Daniel Bucca, Reg. No. 42,368; Kenneth L. Cage, Reg. No. 26,151; Stephen C. Carlson, Reg. No. 39,929; Jennifer Chen, Reg. No. 42,404; Bernard P. Codd, Reg. No. 46,429; Thomas A. Corrado, Reg. No. 42,439; Lawerence T. Cullen, Reg. No. 44,489; Paul Devinsky, Reg. No. 28,553; Luan Do, Reg. No. 38,434; Margaret M. Duncan, Reg. No. 30,879; Ramyar M. Farid, Reg. No. P-46,692; Brian E. Ferguson, Reg. No. 36,801; Michael E. Fogarty, Reg. No. 36,139; John R. Fuisz, Reg. No. 37,327; Willem F. Gadiano, Reg. No. 37,136; Keith E. George, Reg. No. 34,111; Matthew V. Grumbling, Reg. No. 44,427; John A. Hankins, Reg. No. 32,029; Joseph Hyosuk Kim, Reg. No. 41,425; Eric J. Kraus, Reg. No. 36,190; Catherine Krupka, Reg. No. 46,227; Jack Q. Lever, Reg. No. 28,149; Raphael V. Lupo, Reg. No. 28,363; Michael A. Messina, Reg. No. 33,424; Dawn L. Palmer, Reg. No. 41,238; Joseph H. Paquin, Jr., Reg. No. 31,647; Scott D. Paul, Reg. No. 42,984; William D. Pegg, Reg. No. 42,988; Robert L. Price, Reg. No. 22,685; Thomas D. Robbins, Reg. No. 43,669; Gene Z. Robinson, Reg. No. 33,351; Joy Ann G. Serauskas, Reg. No. 27,952; Daniel H. Sherr, Reg. No. P-46,425; David A. Spenard, Reg. No. 37,449; Arthur J. Steiner, Reg. No. 26,106; David L. Stewart, Reg. No. 37,578; Wesley Strickland, Reg. No. 44,363; Michael D. Switzer, Reg. No. 39,552; Leonid D. Thenor, Reg. No. 39,397; Daniel S. Trainor, Reg. No. 43,959; Cameron K. Weiffenbach, Reg. No. 44,488; Aaron Weisstuch, Reg. No. 41,557; Edward J. Wise, Reg. No. 34,523; Alexander V. Yampolsky, Reg. No. 36,324; and Robert W. Zelnick, Reg. No. 36,976 all of

McDERMOTT, WILL & EMERY  
600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096

Direct Telephone Calls to: Telephone 202-756-8000  
with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all future correspondence should be addressed to them.

Full name of first inventor: Eric A. VOIT

Inventor's signature: 

Date: 10 - 5 - 2000

Residence: Bethesda, MD

Citizenship: United States

Post Office Address: 5611 Oakmont Avenue, Bethesda, MD 20817

Full name of second: Robert T. BAUM

Inventor's signature: 

Date: 10/5/00

Residence: Gaithersburg, MD

Citizenship: United States

Post Office Address: 429 Girard St. #304, Gaithersburg, MD 20877

Full name of third

inventor: Jeffrey Ian WINTER

Inventor's signature: 

Date: 10/6/2000

Residence: Silver Spring, Maryland

Citizenship: United States

Post Office Address: 13204 Bellevue Street, Silver Spring, Maryland 20904

5683213-104600

Docket No.: 50107-472

**PATENTS ONLY**

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereto:

## 1. Name of Conveying Parties:

Eric A. VOIT, Robert T. BAUM and Jeffrey Ian WINTER

Additional name(s) of conveying party(ies) attached?  Yes

## 3. Nature of Conveyance:

<input checked="" type="checkbox"/> Assignment	<input type="checkbox"/> Merger
<input type="checkbox"/> Security Agreement	<input type="checkbox"/> Change of Name
<input type="checkbox"/> Other	

Execution Date: October 5 and October 6, 2000

## 2. Name and address of receiving party:

Name: Verizon Communications Inc.

Address: 1095 Avenue of the Americas

New York, New York 10036

Additional name(s) & address(es) attached?  Yes

## 4. Application number(s) or patent number(s):

If the document is being filed together with a new application, the execution date of the application is: October 5 and October 6, 2000

## A. Patent Application No(s).

## B. Patent No(s).

Additional numbers attached?  Yes

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: McDERMOTT, WILL &amp; EMERY

Internal Address:

Street Address: 600 13<sup>th</sup> Street, N.W.

City: Washington State: DC Zip: 20005

## 6. Total number of applications and patents involved: 1

## 7. Total fee (37 CFR 3.41) \$40.00

 Enclosed Authorized to be charged to deposit account

## 8. Deposit account number:

500417

DO NOT USE THIS SPACE

## 9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

Gene Z. Rubinson, 33,351

October 16, 2000

Name and Registration No. of Person Signing

Signature

Date

Total number of pages comprising cover sheet: 1

CMB No. 0851-0011 (exp. 4/94)

**ASSIGNMENT**

WHEREAS WE, Eric A. VΟΙΤ, Robert T. BAUM, and Jeffrey Ian WINTER of 5611 Oakmont Ave., Bethesda, MD 20817, 429 Girard St. #304, Gaithersburg, MD 20877, and 13204 Bellevue Street, Silver Spring, MD 20904 respectively, have made a certain new and useful invention as set forth in an application for United States Letters Patent, entitled CONGESTION AND THRU-PUT VISIBILITY AND ISOLATION, executed by me on the date of execution of this document, as shown below, and filed concurrently herewith;

AND WHEREAS, VERIZON COMMUNICATIONS INC., a corporation of the State of Delaware and having an address of 1095 Avenue of the Americas, New York, New York 10036 is desirous of acquiring the entire right, title and interest in and to said invention and in and to any and all Letters Patent of the United States and foreign countries which may be obtained therefor;

NOW, THEREFORE, for good and valuable consideration, the receipt for and sufficiency of which is hereby acknowledged, We do hereby sell, assign, transfer and set over unto VERIZON COMMUNICATIONS INC., its legal representatives, successors, and assigns, the entire right, title and interest in and to said invention as set forth in the above-mentioned application, including the right of priority and including any continuations, continuations-in-part, divisions, reissues, re-examinations or extensions thereof, and in and to any and all patents of the United States and foreign countries which may be issued for said invention;

UPON SAID CONSIDERATIONS, We hereby agree with the said assignee that We will not execute any writing or do any act whatsoever conflicting with these presents, and that We will, at any time upon request, without further or additional consideration but at the expense of said assignee, execute such additional assignments and other writings and do such additional acts as said assignee may deem necessary or desirable to perfect the assignee's enjoyment of this grant, and render all necessary assistance in making application for and obtaining original, divisional, continuations, continuations-in-part, reexamined, reissued, or extended Letters Patent of the United States or of any and all foreign countries on said invention, and in enforcing any rights or choses in action accruing as a result of such applications or patents, by giving testimony in any proceedings or transactions involving such applications or patents, and by executing preliminary statements and other affidavits, it being understood that the foregoing covenant and agreement shall bind, and inure to the benefit of the assigns and legal representatives of assignor and assignee;

AND We request the Commissioner of Patents and Trademarks to issue any Letters Patent of the United States which may be issued for said invention to said VERIZON COMMUNICATIONS INC., its legal representatives, successors or assigns, as the sole owner of the entire right, title and interest in and to said patent and the invention covered thereby.

10/5/2000  
Date  
10/5/2000  
Date  
10/6/2000  
Date

ZaVon  
Eric A. VOIT  
Kr  
Robert T. BAUM  
Jefford  
Jeffrey Ian WINTER

On Oct 5, 2000, before me personally appeared Eric A. VOIT, to me known to be the person named in and who executed the above instrument.

1. Witness

James E. Curry  
Signature

James E. Curry 2019 Maleady Dr. Herndon Va  
Name & Address (please type or print) 20170

2. Witness

CAROLYN S. SOUTHARD  
Signature

Name & Address (please type or print) 18008 Fertile Meadow Ct.  
GAITHERSBURG, MD 20877

On Oct 5, 2000, before me personally appeared Robert T. BAUM , to me known to be the person named in and who executed the above instrument.

1. Witness

James E. Curry  
Signature

James E. Curry 2019 Maleady Dr. Herndon Va  
Name & Address (please type or print) 20170

2. Witness

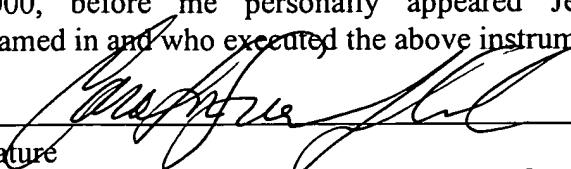
CAROLYN S. SOUTHARD  
Signature

Name & Address (please type or print) 18008 Fertile Meadow Ct.  
GAITHERSBURG, MD 20877

On October 6, 2000, before me personally appeared Jeffrey Ian WINTER, to me known to be the person named in and who executed the above instrument.

1. Witness

Signature

  
CAROLYN S. SOUTHARD 18008 Fertile Meadow Ct.  
Gaithersburg, MD 20877

Name & Address (please type or print)

2. Witness

Signature

  
EDWARD M. EGGEIZL 7414 INWOOD ROAD  
CATONSVILLE MD. 21228

Name & Address (please type or print)